

REMARKS/ARGUMENTS

The present remarks are in response to the final Office Action mailed on August 11, 2006. Claims 1-16, 18 and 19 are pending in the present patent application. Claims 1-16, 18 and 19 stand rejected. The Applicants gratefully acknowledge that the Examiner has withdrawn the previous objection to the drawings.

Claims 1 and 18 have been amended to note that the assembly includes both means for releasably retaining a razor cartridge thereon and a button that, when depressed, releases the razor cartridge from the head assembly. In addition, both claims have been amended to note that the head assembly is pre-assembled prior to being interposed between the first and second body portions. Support for the above-described amendments can be found in at least Para. [0020] of the specification as originally filed, as well as in FIG. 3. Accordingly, no new matter has been added in making the above amendment.

Since the Examiner has relied upon the rejections of the Office Action of February 15, 2006, and it is these rejections that the Applicants wish to address in light of the above amendments to claims 1 and 18, the Applicants will address each of the rejections, in order, of the February 15, 2006 Office Action. In addition, for clarity, each of the Applicants' comments below is numbered using the paragraph number of the corresponding rejection in the February 15, 2005 Office Action.

3. Claims 1, 6, 9, 11-16, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,795,979 to Perry (hereinafter "the '979 patent")

In rejecting the independent claims 1 and 18, the Examiner stated:

Regarding claim 1, Perry discloses a razor handle assembly comprising: a first handle section having a first body portion (figure 2, 64 on the left); a second handle section having a second body portion (figure 2, 64 on the right), said first and second body portions being mirror images of one another (as seen in figure 2); attachment means for coupling said first and second handle sections together (78 depends into recess 40, and 68 appends into recess 31). This is means plus function and as such it is being read in light of the specification. The specification recites that any attachment means are acceptable including adhesives, studs (disclosed by Perry; 78

depends into recess 40, and 68 appends into recess 31) and rivets. Perry further discloses a closed end (figure 2, by 31) and an open end (figure 2, by 76, 70) generally opposite said closed end; a head assembly (figure 2, the components near and adjoining 36, 38, 50, 40, 52, 84, and 88) interposed between said first and second body sections (14, figure 1; 16, 28, 33, and 42, figure 2), said core having an end (33, figure 2) adjacent said closed end.

... Regarding claim 18, Perry discloses a razor handle comprising: a first metallic handle portion having a first body section (figure 2, 64 on the left); a second metallic handle portion having a second body section (figure 2, 64 on the right), said first and second body sections being mirror images of one another (as seen in figures 1 and 2); said first handle section being coupled to and cooperating with said second handle section (figure 2, 78 depends into recess 40, and 68 appends into recess 31) to form a closed end (by 31, figure 2) and an open end (by 40, figure 2); an elastomeric plastic core (16, figure 2) positioned between said first and second handle sections and having generally opposed, exposed gripping surfaces (14, figure 1), said core having an end located adjacent to said closed end (33, figure 2); and a head assembly interposed between said first and second body sections at said open end (the components in figure two near and including 40, 36, 38, 44, and 42), said head assembly defining means for releasably retaining a razor cartridge (as shown in figure 1).

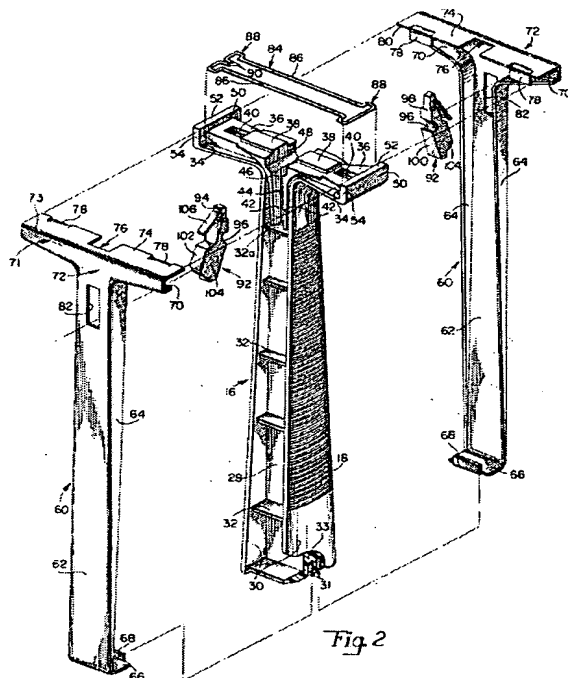
(See Office Action of August 11, 2006, pages 6-9).

The Applicants, in light of the amendments to claims 1 and 18, respectfully disagree with the present rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" See MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The Applicants have traversed the present rejection of these claims below.

Claims 1 and 18, as discussed above, has been amended such that they now recite, *inter alia*, that the head assembly includes both means for releasably retaining a razor cartridge thereon and a button that, when depressed, releases the razor cartridge from the head assembly, as well as that the head assembly is pre-assembled prior to being interposed between the first and second body portions.

The '979 patent does not disclose the pre-assembled head assembly, as claimed. The head assembly of the '979 patent, as shown in FIG. 2, reproduced below. As can be clearly

seen in FIG. 2, the head assembly of the '979 patent is not pre-assembled such that it includes both means for releasably retaining a razor cartridge and a button as claimed. Rather, the various elements of the head assembly of the '979 patent are held together by the handle sections when the entire handle is assembled.



Therefore, the '979 patent does not disclose each and every claim recitation of claims 1 and 18 and, accordingly, for at least these reasons, does not properly anticipate this claim. Favorable reconsideration in light of the above is requested.

Claims 6, 9, and 11-16 depend from claim 1 and are therefore allowable over the prior art for at least the same reasons stated above with respect to claim 1, as well as by virtue of the additional claim recitations included therein. Favorable reconsideration of the rejections of these claims is requested as well.

4. Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,497,551 to Apprille, Jr. (hereinafter "the '551 patent")

In rejecting claim 10, the Examiner stated:

Regarding claim 10 Apprille discloses a razor handle assembly comprising: a first handle section having a first body portion (the area above 12 in fig. 2); a second handle section having a second body portion (the area below 12 in fig. 2), said first and second body portion being mirror images of one another; attachment means for coupling said first and second handle sections together (rivets, 18, figure 1), so that said first and second handle sections cooperate to form closed end (the far right in figure 2) and an open end (far left: by the head assembly, figure 2) generally opposite said closed end; a head assembly...interposed between said first and second body sections at said open end, said head assembly defining means for releasably retaining a razor cartridge thereon (col. 3, lines 15-20); and a core interposed between said first and second body sections (figure 1, 12), said core having an end (figures 1 and 2, 12 is shown to extend to the closed end at the far right) adjacent said closed end and further discloses a razor handle wherein said core includes a first core section (figure 9) coupled to a second core section (figure 6). The two sections are coupled because the second core section is formed by being injected around the first core section as described in col. 3 lines 55-67.

(See Office Action of August 11, 2006, pages 9-10).

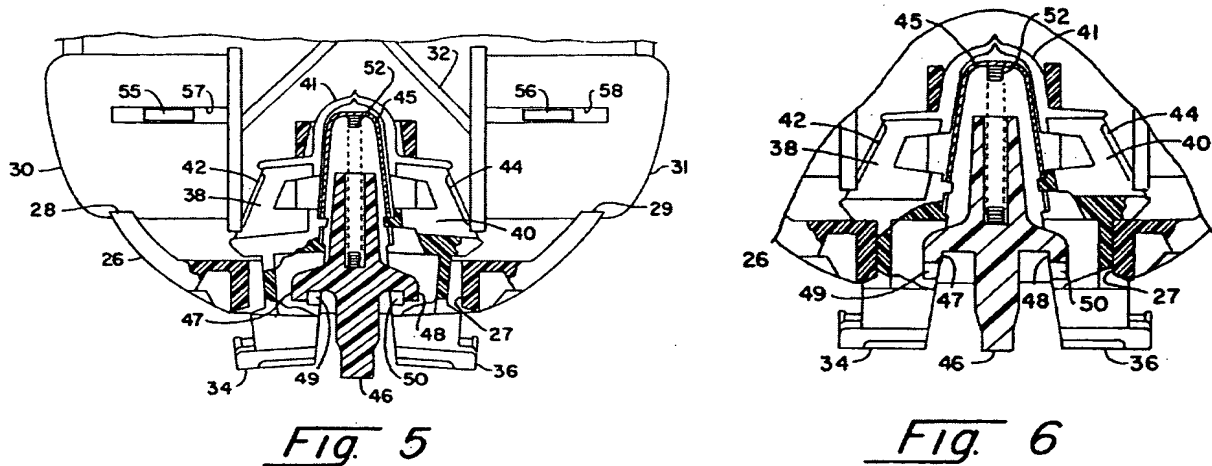
Claim 10 depends from claim 1 and, therefore, includes all of the recitations included in claim 1. The Applicants, in light of the amendments to claim 1, respectfully disagree with the present rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" See MPEP 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). The Applicants have traversed the present rejection of these claims below.

Claim 1, as discussed above, has been amended such that they now recite, *inter alia*, that the head assembly includes both means for releasably retaining a razor cartridge thereon and a button that, when depressed, releases the razor cartridge from the head assembly, as well as that the head assembly is pre-assembled prior to being interposed between the first and second body portions.

The '551 patent does not disclose the head assembly, as claimed. The head assembly of the '551 patent, is described as:

[t]he cartridge retaining means may be of the type described in detail in the aforementioned U.S. Pat. No. 5,157,835, or may be of any type known in the art which may be encased between the forward extending portions of the shell members 14 and 16.

(See the '551 patent, col. 3, lines 20-24). U.S. Patent No. 5,157,835 to Lazarchik, et al (hereinafter "the '835 patent"), discloses a cartridge retaining member that does not disclose each and every recitation of claim 1 (and, accordingly, claim 10). FIGS. 5 and 6 of the '835 patent, which show the cartridge retaining member in detail, are reproduced below for convenience:



As can be clearly seen in the FIGS above, the head assembly of the '835 patent is not pre-assembled such that it includes both means for releasably retaining a razor cartridge and a button that, when depressed, is operable to release the razor cartridge from the head assembly prior to being interposed between the side sections.

Accordingly, the '551 patent does not disclose each and every claim recitation of claim 10 and, therefore, does not anticipate this claim. Favorable reconsideration is requested.

7. Claims 2-4, and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over the '979 patent in view of U.S. Patent No. 4,470,327 to Gerber, Jr. et al (hereinafter "the '327 patent")

Claims 2-4 and 7 depend from claim 1 and, therefore, include each and every recitation of claim 1 therein. In light of the amendment to claim 1, the Applicants respectfully disagree with the Examiner's rejections of these claims. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). The Applicants have traversed the present rejection of these claims below.

As discussed above, the '979 patent does not disclose each and every claim recitation of claim 1. Notably, the '979 patent does not disclose, teach, or suggest a head assembly that includes both means for releasably retaining a razor cartridge thereon and a button as claimed, wherein the head assembly is pre-assembled prior to being interposed between the first and second body portions.

The '327 patent, which discloses a handle for a knife, does not cure the noted defects of the '979 patent. Accordingly, the '979 patent and the '327 patent, alone or in combination, do not render the rejected claims obvious. Favorable reconsideration of these claims is requested.

8. Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the '979 patent in view of U.S. Patent No. 4,184,248 to Wolfe (hereinafter "the '248 patent")

Claim 5 depends from claim 1 and, therefore, includes each and every recitation of claim 1 therein. In light of the amendment to claim 1, the Applicants respectfully disagree with the Examiner's rejections of these claims. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). The Applicants have traversed the present rejection of these claims below.

As discussed above, the '979 patent does not disclose each and every claim recitation of claim 1. Notably, the '979 patent does not disclose, teach, or suggest a head assembly that includes both means for releasably retaining a razor cartridge thereon and a button as

claimed, wherein the head assembly is pre-assembled prior to being interposed between the first and second body portions.

The '248 patent, which discloses a handle for a fishing knife, does not cure the noted defects of the '979 patent. Accordingly, the '979 patent and the '248 patent, alone or in combination, do not render the rejected claims obvious. Favorable reconsideration of this claim is requested.

9. Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the '979 patent in view of the '551 patent, in further view of U.S. Patent No. 3,071,857 to C.G. Preis et al. (hereinafter "the '857 patent")

Claim 8 depends from claim 1 and, therefore, includes each and every recitation of claim 1 therein. In light of the amendment to claim 1, the Applicants respectfully disagree with the Examiner's rejections of these claims. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See MPEP 2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). The Applicants have traversed the present rejection of these claims below.

Both of the '979 patent and the '551 patent have been discussed above, and neither discloses, teaches or suggests each and every claim recitation of claim 1. Notably, neither patent discloses, teaches, or suggests a head assembly that includes both means for releasably retaining a razor cartridge thereon and a button as claimed, wherein the head assembly is pre-assembled prior to being interposed between the first and second body portions. Any combination of the two patents does not disclose, teach or suggest such a feature either.

Furthermore, the '857 patent, which discloses a razor handle that releasably holds a single razor blade, does not even disclose a means for releasably retaining a razor cartridge and, therefore, can not cure the noted defects of the '979 patent and/or the '857 patent.

Accordingly, for at least the reasons stated above, the '979 patent, the '551 patent and/or the '851 patent, alone or in any combination, do not render the rejected claims obvious. Favorable reconsideration of this claim is requested.

10. Claims 17 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '979 patent in view French Patent No. 2,428,992 to Lobry, Claude (hereinafter "the '992 reference")

As the Examiner noted, this rejection is moot in light of the cancellation of claims 17 and 20.

11. Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the '979 patent in view of the '551 patent

Claim 19 depends from claim 18 and, therefore, includes each and every recitation of claim 18 therein. In light of the amendment to claim 1, the Applicants respectfully disagree with the Examiner's rejections of these claims. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See MPEP 2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). The Applicants have traversed the present rejection of these claims below.

Both of the '979 patent and the '551 patent have been discussed above, and neither discloses, teaches or suggests each and every claim recitation of claim 18. Notably, neither patent discloses, teaches, or suggests a head assembly that includes both means for releasably retaining a razor cartridge thereon and a button as claimed, wherein the head assembly is pre-assembled prior to being interposed between the first and second body portions. Therefore, any combination of the two patents can not disclose, teach or suggest such a feature, either.

Accordingly, the '979 patent and/or the '551 patent, alone or in combination, do not render the rejected claim obvious. Favorable reconsideration of this claim is requested.

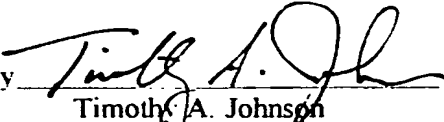
Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

Application No. 10/844,801
Submission Dated November 9, 2006
In Response to Office Action Dated August 11, 2006
Page 14 of 14

A check in the amount of \$790.00 is enclosed covering the fees associated with the Request for Continued Examination. No additional fees are believed to be due in connection with the present Amendment and Remarks. However, if it is determined that fees are required, please charge our Deposit Account No. 503342, maintained by the Applicants' attorney.

Respectfully submitted.

By 
Timothy A. Johnson
Registration No. 51,234
Attorney for Applicant

Michaud-Duffy Group LLP
306 Industrial Park Road, Suite 206
Middletown, CT 06457-1532
(860) 632-7200